



Certified Recommendation

Raleigh Planning Commission

CR# 11812

Case Information: TC-20-17 / NCOD Pendency

Comprehensive Plan Guidance

<i>Applicable Policy Statements</i>	N/A
<i>Action Items</i>	N/A

Summary of Text Change

<i>Summary</i>	Amends the Part 10 Raleigh Unified Development Ordinance to remove language related to building permits and the pendency of a Neighborhood Conservation Overlay District.
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Summary of Impacts

<i>Impacts Identified</i>	<p><u>Adoption of TC-20-17:</u></p> <ol style="list-style-type: none">1. This text change would align language in the UDO with State law. <p><u>No Action:</u></p> <ol style="list-style-type: none">1. The existing regulations would remain. Provisions that conflict with State law would remain in the UDO; however, these conflicting provisions would not be enforced.
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Public Meetings

<i>Submitted</i>	<i>Committee</i>	<i>Planning Commission</i>
11/8/17		11/14/17 Approval

Attachments

1. Draft Ordinance

Planning Commission Recommendation

<i>Recommendation</i>	Approval
<i>Findings & Reasons</i>	The proposed change would align language in the UDO with State law.
<i>Motion and Vote</i>	Motion: Tomasulo Second: Fluhrer

	Approval: Tomasulo, Fluhrer, Alcine, Braun, Hicks, Jeffreys, Swink, Terando
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This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the attached Staff Report.

_____ Planning Director	_____ Date	_____ Planning Commission Chairperson	_____ Date
Staff Coordinator:	Travis Crane: travis.crane@raleighnc.gov		



Zoning Staff Report – TC-20-17

Request

<i>Section Reference</i>	Part 10 Unified Development Ordinance Section 5.4.3.C
<i>Basic Information</i>	Amends the Part 10 Raleigh Unified Development Ordinance as a result of recent State legislation, specifically related to application of standards to a permit when an ordinance changes.
<i>PC Recommendation Deadline</i>	February 12, 2018

Comprehensive Plan Guidance

<i>Applicable Policies</i>	N/A
<i>Action Items</i>	N/A

Contact Information

<i>Staff Coordinator</i>	Travis Crane: travis.crane@raleighnc.gov ; 919.996.2656
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History/Overview

This text change was identified by the Planning Commission during the review of TC-18-17, amendments to the UDO related to Chapter 10. A similar provision was previously contained in Chapter 10 related to subdivisions and the pendency of building permits. The City Council asked staff to amend section 5.4.3 to address a conflict with State law. The existing language in section 5.4.3.C of the UDO states that if an application to rezone property and apply a Neighborhood Conservation Overlay District has been submitted, and a property owner within the potential district applies for a building permit, the building permit must meet the standards of the existing zoning and proposed NCOD standards. This language is in conflict with State Law.

Purpose and Need

This text change would remove language in the UDO that is not in alignment with State law. If the text change were not considered or approved, the language would remain in the UDO, however, staff would not enforce the language as it could be deemed inconsistent with State law.

Alternatives Considered

There were no other alternatives considered.

Scoping of Impacts

Potential adverse impacts of the proposed text change have been identified as follows:

Staff has not identified any adverse impacts of the text change.

The adverse impacts of taking no action (retaining the existing regulations) have been identified as follows:

If this text change is not adopted, some provisions in the UDO would be in conflict with State law. Maintaining the language in its current state could cause confusion to staff and the public.

Impacts Summary

Adoption of Proposed Text Change

Amending the language in section 5.4.3.C will reduce confusion and bring the UDO into alignment with State law.

No action

The City will continue to follow State law; however, the UDO would not align with State law provisions.

The following list of considerations for the Planning and Development Officer's review and recommendations regarding a UDO text amendment application are not all-inclusive. Review and recommendations on UDO text amendments to this UDO by the Planning and Development Officer may consider whether:

1. **The proposed text amendment corrects an error or meets the challenge of some changing condition, trend or fact;**
This text change would correct language that does not align with State law.
2. **The proposed text amendment is in response to changes in state law;**
This amendment is in response to a recent change in State law.
3. **The proposed text amendment is generally consistent with the Comprehensive Plan and adopted area plans;**
The Comprehensive Plan does not contemplate the changes that are proposed.
4. **The proposed text amendment does not conflict with any specific policy or action item of the Comprehensive Plan;**
The proposed amendments would not conflict with any specific policy or action in the Comprehensive Plan.
5. **The proposed text amendment is generally consistent with the stated purpose and intent of this UDO;**
The proposed amendments are consistent with the purpose and intent of the UDO.
6. **The proposed text amendment constitutes a benefit to the City as a whole and is not solely for the good or benefit of a particular landowner or owners at a particular point in time;**
These amendments would benefit the City as a whole.
7. **The proposed text amendment significantly impacts the natural environment, including air, water, noise, stormwater management, wildlife and vegetation; and**

This is not applicable.

- 8. The proposed text amendment significantly impacts existing conforming development patterns, standards or zoning regulations.**

This is not applicable.

**ORDINANCE NO. 2017 – XXX TC XXX
TC-20-17**

AN ORDINANCE TO AMEND SECTION 5.4.3.C OF THE PART 10 CODE OF THE CITY OF RALEIGH TO REMOVE LANGUAGE THAT WOULD REQUIRE COMPLIANCE WITH PENDING NCOD STANDARDS THAT HAVE NOT YET BEEN ADOPTED

WHEREAS, the intent of the Unified Development Ordinance for the City of Raleigh was to create more predictable development; and

WHEREAS, a public hearing is required prior to the adoption of a rezoning ordinance; and

WHEREAS, recent modifications to State Law require amendments to certain processes contained within Chapter 10 of the UDO.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

Section 1. Section 5.4.3.C. Neighborhood Conservation District (-NCOD) of the Raleigh Unified Development Ordinance is hereby amended by repealing the strikethrough text and replacing with the underlined text as shown below:

C. Designation of a -NCOD

- ~~1.~~ Within 4 years following the City Council adoption of specific neighborhood built environmental characteristics and regulations, **the Department of City Planning and Development** may accept an application to rezone property to a -NCOD.
- ~~2.~~ ~~Following the City's official acceptance of an application to rezone property to a NCOD, no construction permit shall be issued or subdivision or recombination be approved by the City during the pendency of the application to amend the Official Zoning Map unless the proposed construction or the proposed subdivision or recombination meets all of the provisions of the existing zoning district, and also the adopted neighborhood built environmental characteristics and regulations contained in Sec. 5.4.3.D. for the proposed NCOD.~~

Section 2. All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict. Notwithstanding any language in a zoning condition indicating administrative alternates are allowed, this ordinance hereby repeals such language.

Section 3. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.

Section 4. This text change has been reviewed by the Raleigh City Planning Commission.

Section 5. This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

Section 6. This ordinance has been provided to the North Carolina Capital Commission as required by law.

Section 7. This ordinance shall be enforced as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty dollar limit in N.C.G.S. §14-4(a) or similar limitations.

Section 8. This ordinance is effective 5 days after adoption.

ADOPTED:

EFFECTIVE:

DISTRIBUTION: Planning – Bowers, Crane
Development Services – Bailey-Taylor, Rametta
City Attorney – Seymour, Hargrove-Bailey
Department Heads
Transcription Services – Taylor

Prepared by the Department of City Planning